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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,673	02/11/2005	Sean Mark Dazliel	CL2149USPCT	1439

7590 05/19/2009
Gail Dalickas
E. I. Du Pont De Nemours & Company
Legal Patent Records Center
4417 Lancaster Pike
Wilmington, DE 19805

EXAMINER

SASAN, ARADHANA

ART UNIT	PAPER NUMBER
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1615

MAIL DATE	DELIVERY MODE
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05/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10524673	2/11/2005	DAZLIEL ET AL.	CL2149USPCT

Gail Dalickas
E. I. Du Pont De Nemours & Company
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EXAMINER

ARADHANA SASAN

ART UNIT	PAPER
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1615	20090512
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DATE MAILED:

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Commissioner for Patents

The reply filed on 03/16/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants have not adequately replied to the provisional obviousness type double patenting rejections. Applicants state (in the response filed on 03/16/09, page 7) that: "Before submitting any terminal disclaimers, Applicants choose to wait for the outcome of the prior art rejections, based upon the current amendment to the claims." A request to hold a rejection in abeyance is not a proper response to a rejection. Rather, a request to hold a matter in abeyance may only be made in response to an OBJECTION or REQUIREMENTS AS TO FORM (see MPEP 37 CFR 1.111(b) and 714.02).

As such, the submission filed 03/16/2009 is not fully responsive because it is not in compliance with 37 CFR 1.111(b), which states that "[i]n order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aradhana Sasan whose telephone number is (571) 272-9022. The examiner can normally be reached Monday to Thursday from 6:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Aradhana Sasan/
Examiner, Art Unit 1615

/MP WOODWARD/
Supervisory Patent Examiner, Art Unit 1615